

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2003-0752

LAVERN BUCKLEY

Petitioner

vs.

MONTANA STATE FUND

Respondent/Insurer.

FILED

JUN - 1 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

JUDGMENT ADOPTING SETTLEMENT

¶1 The parties herein have entered into a SETTLEMENT AGREEMENT resolving all remaining issues in this case. The agreement was filed with the Court on May 27, 2004, and a telephone hearing was held on May 28, 2004, to determine whether the agreement should be approved and to discussed its implementation.

¶2 I now find that the agreement adequately protects workers who may be entitled to *Buckley* benefits and that the settlement is reasonable.

¶3 IT IS HEREBY ORDERED AND ADJUDGED that the SETTLEMENT AGREEMENT filed with the Court on May 27, 2004, is hereby **approved**.

¶4 IT IS FURTHER HEREBY ORDERED AND ADJUDGED that the agreement shall be incorporated as part of this JUDGMENT ADOPTING SETTLEMENT and that the parties shall comply with the agreement.

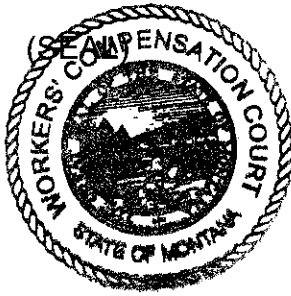
¶5 IT IS FURTHER HEREBY ORDERED AND ADJUDGED that notice shall be sent via United States Mail, First Class Prepaid Postage, by State Fund to all claimants identified in Exhibit "A" to the SETTLEMENT AGREEMENT in the form set forth in Exhibit "B" of the SETTLEMENT AGREEMENT. Notices that are returned to State Fund as undeliverable will not require follow-up by State Fund, but such notices shall be provided to Strause and Anderson within fourteen (14) days who may, at their own expense, attempt to identify current addresses and notify the claimant. No claim for *Buckley* benefits will be accepted if the claimant cannot be located within one-hundred and twenty (120) days after mailing of the required notice and such claims are expressly barred.

¶6 IT IS FURTHER HEREBY ORDERED AND ADJUDGED that a hearing on the matter of the attorneys' fee rate due petitioner's attorneys under the common fund doctrine will be held on Wednesday, July 14, 2004, at 1:00 p.m. at the Workers' Compensation Court, 1625 11th Avenue, Helena, Montana.

¶7 FINALLY, IT IS FURTHER HEREBY ORDERED AND ADJUDGED that, in accordance with the agreement, this Court retains continuing jurisdiction to implement and enforce the agreement.

¶8 This judgment is certified as final.

DATED in Helena, Montana, this 1st day of June, 2004.



Mike McCarty

JUDGE

c: Mr. Lawrence A. Anderson
Mr. Kelly M. Wills